

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Kipp R. Gibbs,  
Plaintiff,

v.

SLM Corp. (a.k.a. Sallie Mae and as  
USA Education, Inc.), Sallie Mae  
Servicing, L.P., Nellie Mae, USA Funds,  
General Revenue Corporation,  
Defendants.

CIVIL ACTION NO. 03-cv-12565-PBS

**OPPOSITION TO DEFENDANTS' MOTION TO POSTPONE**

Plaintiff has given the Defendants two extensions of time, once in December and another in January, which provided them with a full 46 days to respond after receipt of summons. The Defendants took this time to draft a long-winded, untenable and questionable Motion to Dismiss, which they then filed a mere three days before the scheduling conference, in an apparent, but failed attempt to catch the Plaintiff unawares and to sway the Court without rebuttal. The Plaintiff was unmoved by these charades.

The Plaintiff would like to proceed forward with this matter expeditiously. Two attorneys are listed on each of the filings of the Defendants. Consequently, the Plaintiff requested that if Mr. Kane is not able, that he should have someone else from his office attend. Namely, Peter Gelhaar, who is listed as co-counsel.



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